

My name is Kristin McWhorter and I am Executive Director of a national Association representing 225 companies nationwide. I would like to voice my opinion regarding the new regulations governing unsolicited fax advertisements. By modifying the current law by doing away with the "established business relationship" provision pertaining to fax advertisements, it will place onerous administrative and economic burdens on associations by requiring "expressed written consent" from their own members prior to sending a fax advertisement. Since the new FCC reading of the TCPA prohibits any person or entity from sending any fax that contains an unsolicited advertisement which is defined as "any material advertising the commercial availability or quality of any property, good, or services which is transmitted to any person without that person's prior express invitation or permission." As a result, the established business relationship is no longer sufficient to permit faxes to be transmitted. Associations and businesses are now faced with the challenging administrative, legal, economic and record keeping ramifications that will arise thanks to the new FCC changes.

The proposed changes will create a significant economic and labor-intensive burden for the association community. By doing away with the "established businessrelationship" qualification from the fax regulations is absolutely bad for business, forcing associations and other companies to obtain the written consent of their own members, clients and industry partners before transmitting any fax that could be interpreted as commercial in nature; and that the association community has already raised numerous concerns about the new regulations that remain a subject of speculation, including exactly which transmissions the FCC would interpret as commercial in nature, whether written consent to a national association would extend to chapter or affiliate faxes, and whether a written consent form would expire with membership, for example.

While these changes may be suitable for residential telephone numbers as the new Do Not Call registry provides, they are certainly not acceptable for association-to-member facsimile communications. Associations rely on faxes as a prime source of communication and marketing to meet the needs of their members. The proposed FCC changes are a prime example of an idea where the disadvantages and unintended consequences far outweigh the benefits. I urge you to halt efforts to change the current TCPA.

Thank you,  
Kristin McWhorter  
Executive Director  
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